

SENATOR WITHEM: Not exactly?

SENATOR ABBODD: No. Would you like me to go into what they do state?

SENATOR WITHEM: That was my understanding that they basically said that if there is an element of chance within this factor and it doesn't fall within the three exemptions that are in the Constitution, that it is gambling. As I understand, they go on further and they indicate that the problem with pinball machines...(interruption)

SENATOR ABBODD: No, see what they...

SENATOR WITHEM: Excuse me, this is my time, Senator Abboud, could I frame...well, if you're not going to respond to my questions, I'd just as soon you wouldn't take my time to argue then, thank you. I guess what I'd rather do then, than have Senator Abboud reframe my questions as I'm asking them, is just make some comments. As I read the opinion and, again, I'm no attorney, but this is my understanding of what the Attorney General says and that is that pinball machines are illegal or unconstitutional because they give something of value in return for a person putting some money into a machine. Senator Vard Johnson, is that basically the way this is read?

SENATOR V. JOHNSON: Yes, it is.

SENATOR WITHEM: And can you, Senator Vard Johnson, explain to me the difference between winning 14 free games not being gambling and winning 16 free games being gambling?

SENATOR V. JOHNSON: Absolutely not, except we've got an Attorney General since 1953 and forward that has simply declined to enforce a Nebraska Supreme Court decision because they have recognized it to be totally and absolutely erroneous.

SENATOR WITHEM: In other words, if they were to follow the letter of this regulation, they would be in the Westroads, they would be in every movie theater in the state, they would be closing down any pinball machine that has...that gives as much as one free game because there is an element of chance in receiving that free game. That is something of value and that violates the Constitution if you follow this logic.